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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000045

SIPDIS

STATE FOR EAP, IO, G/TIP, AND DRL
PACOM FOR FPA
US MISSION GENEVA FOR LABOR ATTACHE

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TAGS: ELAB PGOV PREL PHUM BM

SUBJECT: BURMA: ILO TO RENEW SUPPLEMENTARY UNDERSTANDING ON
FORCED LABOR

REF: A. 08 RANGOON 884
 B. 08 RANGOON 168
 C. 08 RANGOON 519

Classified By: Economic Officer Samantha A. Carl-Yoder for reasons 1.4
(b and d).

Summary

¶1. (C) In 2007 the ILO and Burmese Government, via the Supplementary Understanding (SU) on Forced Labor, established a mechanism to investigate and respond to formal forced labor complaints. The SU will expire on February 25, 2009; the ILO, based on recommendations from the November 2008 ILO Governing Body meeting, plans to renew the agreement indefinitely with a termination clause. Although the SU will not include specific benchmarks or new GOB commitments, the ILO has requested the Ministry of Labor to sign a side agreement to allow the ILO to conduct outreach training for both civilian and military officials, one of the ILO's key priorities. While the ILO and Ministry of Labor continue to negotiate the SU language, ILO Executive Director Kari Tapiola will visit Rangoon in late February to sign the agreement and meet with key labor officials. Local ILO officials continue to push the GOB to allow the existence of labor unions. The Ministry of Labor in December began the process of forming workers groups to represent the GOB at upcoming ILO conferences. End Summary.

Extending the SU

¶2. (C) According to ILO Liaison Officer Steve Marshall, the GOB has improved efforts to reconcile forced labor and child soldier cases, cooperating with the ILO on more than 130 forced labor complaints since February 2007 (Ref A). The 2007 ILO-GOB Supplementary Understanding on Forced Labor, which expires on February 25, 2009, provides the mechanism that enables the ILO to investigate forced labor cases in Burma; without it, the ILO has no mandate (Ref B). Marshall commented that although the SU mechanism is not perfect (the ILO can only investigate official complaints made by Burmese living inside Burma), the ILO plans to extend the SU

indefinitely in February. Marshall and the GOB's Working Group on Labor, headed by the Ministry of Labor, continue to negotiate the language of the new agreement, which will include a new termination clause should the Burmese Government fail to cooperate with the ILO on forced labor investigations.

¶3. (C) Marshall explained that the new SU will not include benchmarks to measure GOB performance on addressing forced labor, despite his efforts to convince the ILO Governing Body of the need last November (Ref A). During current negotiations, Marshall has raised the need to improve labor rights awareness among authorities and private citizens. He has requested that the GOB allow the ILO to conduct a minimum of 10 awareness training sessions in all states and divisions -- particularly in "sensitive" areas such as Northern Rakhine State, the Wa Special Region, and Karen State -- for both civilian and military officials. He also pushed the GOB to finalize the translation of the SU and brochure on how to file a labor complaint for ILO dissemination to the general public. The ILO will ask the Ministry of Labor to sign a side agreement committing to these awareness campaigns; Marshall is confident the Ministry will agree. (Note: the side agreement is not a precondition for the extension of the SU.)

¶4. (C) Marshall reported that ILO Executive Director Kari Tapiola will visit Burma in late February to sign the SU extension, discuss with GOB officials ways to strengthen ILO-GOB efforts to combat forced labor, and meet with key diplomats. Tapiola will push the GOB to expand the ILO's

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mandate and allow ILO officials to investigate forced labor cases witnessed and documented by expatriates. According to Marshall, Tapiola will request meetings with the NLD Central Executive Committee, ILO facilitators, and political prisoners charged with labor-related violations, such as Htet Wei and Su Su Nwe.

Forming a Workers Group

¶5. (C) In 2008 the GOB Working Group on Labor approached the ILO for assistance and advice on how to implement the labor provisions included in the regime's new constitution (Ref C). Marshall urged the GOB to create a strategy to allow for the development of free, independent labor unions. According to Marshall, the GOB in November 2008 decided that its National Consultative Committee, which attends the ILO meetings, must include a workers' representative. The Committee is part of Burma's delegation for ILO conferences and participates in meetings on Burma. In December, Ministry of Labor officials met with workers in 12 sectors (textiles, manufacturing, among others) in all 18 industrial zones, encouraging those in each sector to elect a delegate to represent their interests in upcoming discussions on labor. These delegates will eventually elect one person to sit on the National Consultative Committee, the Minister of Labor told Marshall.

¶6. (C) Marshall, fearing that the selection process for the delegates was rigged, attended labor meetings in two Rangoon industrial zones and met with workers to ascertain the process. He informed us that legitimate workers were able to choose their own representatives without GOB interference. He is confident that the final delegate, who must be chosen by April, will represent the workers, not the government. The ILO will bring in a member of the ILO credential committee to verify that the GOB's process meets ILO standards. Marshall surmised that the eventual representative would not accurately represent all Burmese workers, since most work in the informal sector. Nevertheless, Marshall praised the GOB's efforts to improve worker representation at ILO meetings.

Comment

¶7. (C) Although the SU extension will not include benchmarks to measure the GOB's efforts to reduce the use of forced labor, the proposed side agreement on outreach activities to "sensitive" areas would go part way to addressing the SU's lack of specifics. We support the ILO's plan to push the GOB for permission to investigate all alleged forced labor cases, not just official complaints -- since the current arrangement limits the ILO's ability to act on its own initiative. However, the GOB will not readily agree to such an expanded ILO mandate. We recommend that, during the March ILO Governing Body meeting, the United States should again raise the issue of benchmarks and push for tangible ways to hold the GOB accountable for its actions (or lack of) in investigating and resolving forced labor practices.

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